

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PLAINTIFF'S COMPLAINT AND DEMAND FOR JURY TRIAL

LENA REED (“Plaintiff”), through her attorneys, KROHN & MOSS, LTD., alleges the following against JOHN C. BONEWICZ, P.C. (“Defendant”):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 *et seq.* (FDCPA).
2. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

4. Defendant conducts business in the state of Illinois, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

6. Plaintiff is a natural person residing in Evanston, Cook County, Illinois.
7. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6).
8. Defendant is a professional corporation located in Skokie, Illinois.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. On or about March 21, 2011, Defendant began placing collection calls to Plaintiff's home phone number in attempt to collect on an alleged debt owed by Plaintiff's mother, Wanda Reed ("Wanda").

11. Plaintiff informed Defendant that Wanda is not available at that phone number, and gave Defendant a different phone number in which to reach Wanda.

12. Defendant called Plaintiff back approximately ten (10) minutes later, and told her that it did an "asset investigation" which revealed that Wanda lived at the same address that the phone number was listed to.

13. Plaintiff reiterated that her mother was unavailable, but could be reached at the phone number that she previously provided to Defendant.

14. Plaintiff told Defendant to stop calling her residential phone number on more than one occasion.

15. Despite the aforementioned, Defendant continues to place collection calls to Plaintiff's residential phone number.

16. Further, Defendant told Plaintiff that it is a law firm and does not have to abide by the FDCPA.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

17. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692c(b) of the FDCPA by communicating with third parties in connection with the collection of a debt, without the prior consent of the consumer.
- b. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse Plaintiff; and
- c. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.
- d. Defendant violated §1692e of the FDCPA by using false, deceptive, or misleading representation or means in connection with the collection of a debt.

WHEREFORE, Plaintiff, LENA REED, respectfully requests judgment be entered against Defendant, JOHN C. BONEWICZ, P.C., for the following:

18. Statutory damages of \$1,000.00, pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*;
19. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*; and
20. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

By: /s/ Adam T. Hill
Adam T. Hill
KROHN & MOSS, LTD.
120 W. Madison Street, 10th Floor
Chicago, IL 60602
(312) 578-9428
ahill@consumerlawcenter.com
Attorneys for Plaintiff

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, LENA REED, demands a jury trial in this case.

VERIFICATION OF COMPLAINT AND CERTIFICATION

(STATE OF ILLINOIS

COUNTY OF COOK)

Plaintiff, LENA REED, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1745(2), I, LENA REED, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

4-20-2011

Date

Leena Reed

LENA REED